IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8560 PF 2004

M/s.Arihand Udyog .. Petitioner.

V/s.

Union of India & Others .. Respondents.

Mr.S.N. Kantawala i/b. M/s.Kantawala & Co. for the petitioner.

Mr.Rajiv Chavan i/b. T.C. Kaushik for respondent Nos.1 to 4.

Ms.S.I. Shah for respondent No.5.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 3RD NOVEMBER, 2004.

P.C. :

Heard.

2. No reply-affidavit has been filed by the respondents. However, Mr.Rajiv Chavan, the learned counsel for respondent Nos.1 to 4 submits that the respondent No.3 shall within four weeks from today pass an appropriate order of adjudication. The learned counsel for the petitioner submits that by passage of time the goods have become rubbish and that the petitioner may be given liberty to set up the case before the adjudicating authority that the

petitioner is entitled to abandon the goods and not liable to pay any customs duty thereon. The learned counsel for the petitioner also submits that as per the circulars issued by the Central Board of Customs from time to time and the judgments of the Supreme Court, the petitioner is not liable to detention or other charges from the date the goods were seized.

3. Taking into consideration the submissions of the learned counsel for the parties, we are satisfied that the merits of diverse contentions raised in the writ petition need not be examined by us and the interest of justice shall be subserved by following order :

i) We accept the statement of the learned counsel for respondent Nos.1 to 4 that the respondent No.3 shall pass an appropriate order of adjudication within four weeks from today.

ii) Liberty to the petitioner to urge before the concerned authority (one) that the petitioner is entitled to abandon the goods having become rubbish by passage of time and (two) that the petitioner is not

liable to pay detention or other charges from the date of seizure of the goods.

iii) We direct the concerned authority to take into consideration the aforesaid contentions of the petitioner and pass an appropriate order in accordance with law.

iv) Needless to say that in case the petitioner is aggrieved by the order so passed by the concerned authority, itself be open to it to challenge the said order in appropriate proceedings in accordance with law.

3. No costs.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)